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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/212,434 03/14/94 HALEY

N 68529APL

EXAMINER
WEINER, L

15N2/1026

ART UNIT PAPER NUMBER

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EASTMAN KODAK COMPANY
PATENT LEGAL STAFF
ROCHESTER, NY 14650-2201

1507

DATE MAILED: 10/26/94

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on 9-23-94 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input checked="" type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-29 are pending in the application.
Of the above, claims None are withdrawn from consideration.
2. ☒ Claims 28-29 have been cancelled.
3. ☐ Claims are allowed.
4. ☒ Claims 1-27 are rejected.
5. ☐ Claims are objected to.
6. ☐ Claims are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

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Part III DETAILED ACTION

Election/Restriction

1. Applicant's election without traverse of Group I, claims 1-27 in Paper No. 4
)
is acknowledged.

2. Examiner acknowledges the cancellation of claims 28 and 29 cited in
Amendment A dated September 23, 1994. Claims 1-27 have been examined on
their merits.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. § 103 which forms the basis for
all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically
disclosed or described as set forth in section 102 of this title, if the
differences between the subject matter sought to be patented and the prior
art are such that the subject matter as a whole would have been obvious at
the time the invention was made to a person having ordinary skill in the art
to which said subject matter pertains. Patentability shall not be negated
by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only
under subsection (f) or (g) of section 102 of this title, shall not preclude
patentability under this section where the subject matter and the claimed
invention were, at the time the invention was made, owned by the same
person or subject to an obligation of assignment to the same person.

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4. Claims 1-27 are rejected under 35 U.S.C. § 103 as being unpatentable over Garth (Great Britain 2,082,399) in view of Stahlhofen (4,458,000) and Newman (4,708,925). Garth discloses a lithographic printing plate coated with a naphthoquinone diazide sulfonic acid, a novolak resin, a resole resin and a dyestuff as seen in Example 2 of Garth. Garth discloses the claimed invention except for employing a photosensitive ingredient that is not a haloalkyl-substituted s-triazine, not teaching an infrared absorber and not disclosing the specifically claimed bisphenol-A and formaldehyde resole resin.

Stahlhofen teaches that organic halogen compounds used as acid donors can be a s-triazine derivatives (haloalkyl-substituted) or a naphthoquinonediazidesulfonyl halides where the halides can be fluorides, chlorides or bromides, in particular the chlorides are preferable (see column 3). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a haloalkyl-substituted s-triazine as the photosensitive ingredient in place of the orthoquinone diazide photosensitizer because Stahlhofen teaches that they are equivalents and the expectation of the same or similar results with these two resins would be expected.

Newman teaches a photosensitive composition comprising a phenolic resin, an onium salt and a spectral sensitizer which can be used for printing plates. The spectral sensitizers include cyanine dyes (see column 8, lines 1-29). Newman

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teaches the functional equivalence of cresols and bisphenol-A as an ingredient for forming resole resins or novolak resins (see column 3, lines 40-64). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use known spectral dyes such as cyanine dyes to increase the spectral range into

the infrared region, as taught by Newman which is available knowledge in the art.

In addition, the skilled artisan would be motivated to use resole resins made from bisphenol-A in place of resole resins made from cresols because they are equivalent and the expectation of the same or similar results with these two resins would be expected.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Buhr (4,189,323) teaches a radiation-sensitive copying composition which comprises, as the radiation sensitive compound, a haloalkyl-substituted s-triazine.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura Weiner whose telephone number is (703) 308-4396.

LSW

Laura S. Weiner
October 17, 1994

Marion E. McCann

MARION E. MCCANN
SUPERVISORY PATENT EXAMINER
ART UNIT 157